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May 31, 2012

By Electronic Case Filing and Facsimile

Hon. Sandra J. Feuerstein, U.S.D.J.
United States District Court
100 Federal Plaza
Central Islip, New York 11722

Re: Civil Action: *Trustees of the United Plant and Production Workers Local 175 Benefits Fund v. K.S. Contracting Corp. et al.*
Civil Action No.: 12-561 (SJF-ARL)

Dear Judge Feuerstein:

We represent Plaintiff *Trustees of the Plant and Production Worker's Local 175 Benefits Fund* in the above captioned action. Pursuant to an Order resulting from the Status Conference held on May 1, 2012 this Court ordered that Plaintiff is to serve a motion for default by June 4, 2012, Defendants are to serve opposition by June 18, 2012, and Plaintiff's reply and fully briefed motion is to be filed with the Court by June 28, 2012.

It has since come to our attention upon a subsequent review of the file this office maintains that the three Defendants who have not appeared in the action, K.S. Contracting Corp., Paresh Shah, and American Safety Casualty Insurance Company had not been properly served as of the May 1 conference.

After a discussion with John F. Hamilton, of WESTERMANN SHEEHY KEENAN SAMAAN & AYDELOTT, LLP, who represents American Safety Casualty Insurance Company, he has agreed to accept service on behalf of his client. We have not, however, received an answer to date from Mr. Hamilton.

A review of the filing date of this action reveals that service upon K.S. Contracting Corp. and Paresh Shah can still be effectuated timely. Copies of the Summons and Complaint are currently in the process of being served upon the two aforementioned Defendants however their time to answer will run past the June 4 deadline to serve a motion for default.

Accordingly, we respectfully request that the Court disregard the previous motion schedule to allow for timely service upon K.S. Contracting Corp. and Paresh Shah and the requisite period for answering the Complaint subsequent to service. If neither of the aforementioned Defendants nor American Safety Casualty Insurance Company answer the Complaint, we will request the Court's direction in setting a new motion schedule, as we do not want to burden the Court with unnecessary motion practice if Answers are timely served.

We thank the Court for its courtesy in considering this request, and make ourselves available for any questions or concerns regarding same.

Respectfully submitted,

By: _____/s/
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Attorney for Plaintiff Trustees of the United Plant and Production Workers
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CC:
John F. Hamilton, Esq.
Via Overnight Mail and Facsimile